

OSEN & ASSOCIATE, LLC

ATTORNEYS AT LAW

700 KINDERKAMACK ROAD, ORADELL, NEW JERSEY 07649
TELEPHONE 201.265.6400 FACSIMILE 201.265.0303
WWW.OSEN.US

Via Federal Express and ECF

December 21, 2005

Honorable Charles P. Sifton United States District Judge United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

Re: Stipulation Regarding Briefing and Scheduling Weiss v. Natwest, Plc. 05 CV 4622 (CPS/KAM)

Dear Judge Sifton:

This firm represents the Plaintiffs in the above-captioned matter. The first filed complaint was served on September 30, 2005 and with the Plaintiffs' consent, Defendant was given until December 19, 2005 to file its Answer or Motion to Dismiss. On December 19, 2005, Defendant filed its Motion to Dismiss. Pursuant to a telephone conference with Magistrate Judge Kiyo Matsumoto today, the parties agreed to the attached stipulation by which Plaintiffs would file an amended complaint by January 5, 2006 and the parties agreed, subject to Your Honor's consent, to the briefing schedule set forth in the stipulation.

Thank you for your consideration of this matter.

Respectfully submitted,

jary M. Usen

Encl.

cc: Lawrence Friedman, Esq. Robert A. Swift, Esq.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

TZVI WEISS, LEIB WEISS, MALKA WEISS, YITZCHK WEISS, YERUCHAIM WEISS, and ESTHER DEUTSCH,

Case No. CV 05 4622 (CPS)

Plaintiffs,

-against-

STIPULATION RE BRIEFING AND SCHEDULING

NATIONAL WESTMINSTER BANK PLC, :

Defendant.

IT IS HEREBY STIPULATED AND AGREED this 2 and day of December, 2005 by and between counsel for plaintiffs and counsel for defendant as follows:

- 1. Plaintiffs will file an amended complaint on or before January 5, 2006 which, when filed, shall moot defendant's Motion to Dismiss which was filed December 19, 2005.
- 2. Defendant shall answer or otherwise move with regard to the amended complaint on or before January 26, 2006.
- 3. Plaintiffs shall file an opposition to a motion to dismiss the amended complaint on or before February 9, 2006.
- 4. Defendant shall file a reply in support of a motion to dismiss the amended complaint on or before February 17, 2006.
- 5. The foregoing schedule may need revision if: (a) the amended complaint adds new causes of action and/or (b) the motion to dismiss the amended complaint raises legal issues

13267_1

Case 1:05-cv-04622-DLI-RML Document 23 Filed 12/21/05 Page 3 of 3 PageID #: 413

beyond those asserted in the pending motion to dismiss, or issues cognizable under Rule 56. Both parties reserve all of their rights with respect to whether either of these conditions has occurred.

Robert A. Swift, Esq. (RS-8630)

Steven M. Steingard, Esq.

KOHN SWIFT & GRAF, P.C.

One South Broad Street, Suite 2100

Philadelphia, PA 19107

Telephone: (215) 238-1700

Facsimile: (215) 238-1968

Gary M. Osen, Esq. (GO-5790)

Peter Raven-Hansen, Esq.

OSEN & ASSOCIATES, LLC

700 Kindermack Road Oradell, NJ 07649

Telephone: (201) 265-6400

Facsimile: (201) 265-0303

Andrew D. Friedman, Esq.

Joshua D. Glatter, Esq. (AF-6222)

WECHSLER HARWOOD LLP

488 Madison Avenue, 8th Floor

New York, New York 10022

Telephone: ((212) 935-7400

Counsel for Plaintiffs

SO ORDERED:

Charles P. Sifton, U.S.D.J.

Lawrence Friedman, Esq. (LF-9978) Jonathan I. Blackman, Esq. (JB-3846)

Isabelle A. Young, Esq.

CLEARY GOTTLIEB STEEN &

HAMILTON LLP

One Liberty Plaza

New York, NY 10006

(212) 225-2000

Counsel for Defendant